

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATREASURY CORPORATION

PLAINTIFF

vs.

WELLS FARGO & COMPANY, *ET AL.*

DEFENDANTS

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Civil Action No. 2:06cv72

Judge David Folsom

ORDER

Pending before this Court is the Motion of Defendants EDS, Harris, Key, PNC, and SunTrust to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents. Having considered the Motion, the Court finds that it is well-taken. Therefore, it is hereby

ORDERED, ADJUDGED, and DECREED that the Motion of Defendants EDS, Harris, Key, PNC, and SunTrust to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents is **GRANTED**. Claims related to U.S. Patent Nos. 5,910,988 (“the ‘988 patent”) and 6,032,137 (“the ‘137 patent”)—Counts 1 and 2 in the First Amended Complaint—shall be severed from this action and placed on the Court’s docket under a new cause number. Further proceedings in that new action shall be stayed pending reexamination of the ‘988 and ‘137 patents by the United States Patent and Trademark Office. The parties shall promptly notify the Court in writing of any official action by the United States Patent and Trademark Office concerning either of the two patents in reexamination.